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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,511	09/30/1999	DARRELL SHIVELY	CISCO-1372	6966
49715	7590	04/21/2005	EXAMINER	
THELEN REID & PRIEST LLP			BLAIR, DOUGLAS B	
CISCO			ART UNIT	
P.O. BOX 640640			PAPER NUMBER	
SAN JOSE, CA 95164-0640			2142	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/410,511

Applicant(s)

SHIVELY ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1-18 and 29-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/23/2004.
2. Consequently, the restriction requirement is made final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,857,019 to Sitaraman et al. in view of U.S. Patent Number 6,259,705 to Takahashi et al..
5. As to claim 27, Sitaraman teaches a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for a max sessions server of a data communications network to keep a count of sessions used at a given time by a group of users, said method comprising: assigning a unique identification value to each port of a network access server of the data communications network (col. 2, line 46-col. 3, line 4); maintaining a master list having plurality of entries, each entry containing at least a UIV for a port associated with a logged in user and a group identification for the logged in user

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(col. 5, line 29-col. 6, line 42); however Sitaraman does not explicitly teach periodically check a network access server to determine if it has become non-operational; and responding to the non-operational status of a network access server by removing all entries for ports associated with the non-operational server and decrementing a count of ht session used by the number of removed entries.

Takahashi teaches a method of periodically check a network access server to determine if it has become non-operational; and responding to the non-operational status of a network access server by removing all entries for ports associated with the non-operational server and decrementing a count of ht session used by the number of removed entries (col. 5, line 37-col. 6, line 39).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Sitaraman regarding a server for keeping track of sessions with the teachings of Takahashi regarding monitoring access servers because monitoring the status of servers allows changes to be accommodated instantly (Takahashi, col. 2, lines 38-47).

6. As to claim 19, it is rejected on the same basis as claim 27 because the method of claim 19 is identical to the method claimed in claim 27.

7. As to claim 20, Takahashi teaches a method wherein periodically checking is performed by an authentication, authorization and accounting server associated with a maximum session server (col. 5, line 37-col. 6, line 39).

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8. As to claim 21, Takahashi teaches a method comprising transmitting a communication to another maximum sessions server on the data communications network to inform it of the non-operational status of a network access server (col. 5, line 37-col. 6, line 39).

9. As to claim 22, Takahashi teaches a method comprising receiving a communication from another maximum sessions server (col. 5, line 37-col. 6, line 39).

10. As to claims 23-26, they have similar limitations to claims 19-22 respectively and are thus rejected on the same basis as claims 19-22.

11. As to claim 28, it is rejected on the same basis as claim 27 because claim 27 has narrower limitations than claim 28 (Sessions by the user can be considered a resource.).

Conclusion

12. It should be noted that the Sitaraman reference is commonly assigned and the rejection using it could be overcome with an affidavit stating that the references were commonly assigned at the time of the invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
April 18, 2005.

DTB

Jack Angus
SUPERVISOR OF INVESTIGATIONS